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October 9, 2009

VIA ELECTRONIC FILING

Mr. Charles L.A. Terreni

Chief Clerk/Administrator

South Carolina Public Service Commission

101 Executive Center Drive

Columbia, South Carolina 29210

RE: State Universal Support of Basic Local Service Included in a Bundled Service
Offering or Contract Offering
Docket No. 2009-326-C

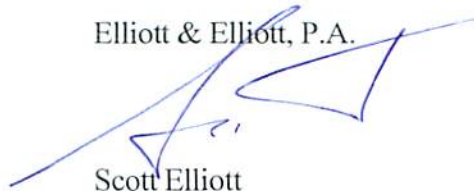
Dear Mr. Terreni:

Enclosed please find the pre-filed **Direct Testimony of Ann C. Prockish** filed on behalf of United Telephone Company of the Carolinas, LLC d/b/a CenturyLink in the above referenced docket. By copy of this letter, I am serving all parties of record.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/mlw

cc: All Parties of Record

1 **BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

2 **DOCKET NO. 2009-326-C**

3 **DIRECT TESTIMONY OF ANN C. PROCKISH**

4
5 **Q. Please state your name, title, and business address.**

6 A. My name is Ann C. Prockish. I am employed by CenturyLink (formerly known as
7 Embarq) as Senior Manager - Regulatory Operations. My business address is 100
8 CenturyTel Drive, Monroe, Louisiana 71203.

9 **Q. On whose behalf are you testifying?**

10 A. I am testifying on behalf of United Telephone Company of the Carolinas LLC
11 d/b/a CenturyLink (formerly known as Embarq and referred to in my testimony as
12 “CenturyLink”).

13 **Q. Please describe your educational background and business experience.**

14 A. I graduated in 1987 from the University of Nebraska – Lincoln with Bachelor of
15 Science degree in Business Administration with a major in Accounting. I
16 received a Master of Business Administration degree from Kansas State
17 University in 1995.

18
19 I have over 20 years of business experience in a variety of positions. My career in
20 the telecommunications industry began in February 1997 as a Revenues Analyst
21 with Sprint Corporation. Sprint’s local telephone operations were spun off in
22 2006 to become Embarq Corporation. In 2009 Embarq Corporation merged with
23 CenturyTel, Inc. to form a new company now known as CenturyLink. I have held

1 a variety of positions of increasing responsibility with Sprint, Embarq, and now
2 CenturyLink, including Analyst – State Analysis and Reporting, Senior
3 Administrator – State Analysis and Reporting, Manager – State Analysis and
4 Reporting, and Manager – State Regulatory. In these positions I was responsible
5 for a number of state regulatory and financial matters, including Universal Service
6 Funding (“USF”) and Eligible Telecommunications Carrier (“ETC”). In my
7 current position, Senior Manager - Regulatory Operations, I am responsible for
8 the development and implementation of regulatory policy and strategy for eight
9 states, including South Carolina.

10 **Q. Have you testified before this Commission or any other regulatory agency?**

11 A. Yes, I testified before this Commission on behalf of Embarq in 2007 in the Alltel
12 ETC application. I have also testified before the Nebraska Public Service
13 Commission on a number of USF matters.

14 **Q. What is the purpose of your testimony?**

15 A. The purpose of my testimony is to show that access lines included as part of a
16 bundled service or contract offering should continue to receive state universal
17 service fund support. An access line that is included as part of a bundled or
18 contract offering is basic local exchange telecommunications service as defined
19 by the Commission. In addition, the cost of providing service over that access
20 line is highly fixed, regardless of whether that access line is provisioned as a stand
21 alone service or as part of a bundled or contract offering. To remove universal
22 service support for access lines simply as a result of consumers opting to purchase
23 services on a bundled or contract basis would produce a poor public policy

1 outcome, contrary to the goal of achieving available communication services for
2 everyone. For these reasons, access lines that are part of a bundled or contract
3 offering should continue to receive state universal service fund support.
4

5 **I. THE SOUTH CAROLINA UNIVERSAL SERVICE FUND**

6 **A. HISTORY AND PURPOSE**

7 **Q. How and when was the South Carolina Universal Service Fund created?**

8 **A.** Section 58-9-280(E) of the South Carolina Code authorized the creation of a state
9 universal service fund for carriers of last resort. The Public Service Commission
10 of South Carolina (the "Commission") undertook the design and implementation
11 of the Universal Service Fund in Docket No. 1997-239-C over three proceedings
12 starting in August 1997. In the first proceeding, the Commission adopted the
13 guidelines which defined the services that would be supportable and the eligibility
14 requirements, declared that funding would be portable, and established the
15 administrator.¹ In that proceeding the Commission indicated that:

16 [I]t is essential to mesh the components of state and federal law
17 and the Federal Communications Commission's (FCC's) Universal
18 Service Order to the greatest extent possible so as to avoid
19 inconsistencies and to seek to optimize universal
20 telecommunications service and universal service fund processes
21 to the benefit of South Carolina consumers.²

¹ See *In Re: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund*, Order Addressing the Universal Service Fund, Order No. 97-753 issued September 3, 1997, page 8

² *Id.*, page 7.

1 As part of that same order the Commission referred to Section 254, Part B of the
2 Telecommunications Act which enumerates the policies for the preservation and
3 advancement of universal service. These policies are:

- 4 • Quality services at affordable rates;
- 5 • Access to advanced telecommunications and information
6 services;
- 7 • Access in rural and high cost areas to telecommunications and
8 information services reasonably comparable to rates charged for
9 similar services in urban areas;
- 10 • Equitable and nondiscriminatory contributions from all
11 providers of telecommunications services;
- 12 • Specific, predictable, and sufficient federal and state support
13 mechanisms necessary to preserve universal service; and
- 14 • Access to advanced telecommunications services for schools,
15 rural health care providers, and libraries.

16 The second universal service proceeding addressed the appropriate cost models
17 and methodologies, as well as the sizing of the fund. In that proceeding the
18 Commission adopted the use of the forward looking cost model Benchmark Cost
19 Proxy Model 3.1 for BellSouth (now AT&T), GTE (now Verizon), and
20 Sprint/United (now CenturyLink). The Commission adopted the South Carolina
21 Telephone Coalition's embedded cost model for the rural carriers (other than

1 CenturyLink).³ In the third proceeding, completed in June 2001, the Commission
2 settled additional issues regarding the implementation of the fund.⁴

3 **Q. What is the purpose of the fund?**

4 **A.** Section 58-9-280(E) states:

5 In continuing South Carolina's commitment to universally
6 available basic local exchange telephone service at affordable rates
7 and to assist with the alignment of prices and/or cost recovery with
8 costs, and consistent with applicable federal policies, the
9 commission shall establish a universal service fund (USF) for
10 distribution to a carrier(s) of last resort.

11 Under this statute each person in South Carolina should have access to
12 affordable basic local exchange telecommunications service. Indeed, the
13 Commission has defined universal service to mean:

14 [T]he provision of basic local exchange telecommunications
15 service, at affordable rates and upon reasonable request, to all
16 single-party residential and single-line business customers within a
17 designated service area.⁵

18 Furthermore, the Commission has defined "basic local exchange
19 telecommunications service" as:

³ See *In Re: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund*, Order on Universal Service Cost Models, Order No. 98-322 issued May 6, 1998.

⁴ See *In Re: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund*, Order on Universal Service Fund, Order No. 2001-419 issued June 6, 2001.

⁵ See *In Re: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund*, Order Approving Final Documents and Vacating Order No. 2001-954, Order No. 2001-996 issued October 10, 2001, Exhibit A, page 1.

1 [S]ingle-party residential and single-line business customers access
2 to basic voice grade local service with dual-tone multi-frequency
3 (DTMF) signaling (i.e. Touch Tone), access to available
4 emergency services and directory assistance, the capability to
5 access interconnecting carriers, access to dual party relay services,
6 access to operator services, one annual local directory listing, and
7 toll limitation at the request of the low income consumer or in
8 order to prevent further losses by the carrier of last resort, for low-
9 income consumers participating in Lifeline (subject to technical
10 feasibility).⁶

11 The fund was created to help achieve universal service goals by reducing implicit
12 subsidies while allowing carriers of last resort ("COLRs") to offset some of the
13 significant expense of providing service in the high-cost areas of the state with
14 distributions from the fund. Without this support from the fund, basic local
15 exchange telecommunications service in high-cost areas cannot be provided at an
16 affordable rate. In areas with competitive alternatives, consumers will
17 increasingly migrate to carriers who choose not to be bound by the COLR
18 obligation and, in areas without competitive options, customers likely will
19 increasingly forgo telephone service as a result of vastly higher prices, contrary to
20 the goals of universal service.

21
22
23
⁶ *Ibid.*

1 **B. THE NEED FOR SUPPORT AND COLR OBLIGATIONS**

2 **Q. Why do carriers need support from the fund to provide basic local exchange**
3 **telecommunications service in rural areas?**

4 **A. The Commission recognizes that it is more expensive to provide service in rural**
5 **areas, where the population densities are lower. With lower population densities,**
6 **telephone carriers must spread the high fixed costs of providing service over**
7 **fewer customers, resulting in higher costs per customer. In its overview of**
8 **universal service, the Commission stated that**

9 Congress...sought to ensure that funding from the new federal
10 mechanism would be available only to carriers that actually
11 undertook the task of providing basic services to residents in the
12 rural, insular and high cost areas that typically require universal
13 support.⁷

14 Prior to the advent of competition, carriers kept rates affordable for all customers
15 through the ratesetting process, by keeping the rates for basic local service low
16 while pricing long distance and other local services above their costs. To
17 facilitate competition, the Commission reduced these implicit subsidies. Without
18 the needed assistance from the universal service fund, COLRs would be forced to
19 choose between affordable rates for their customers or investing in their networks
20 in high cost areas. If COLRs are forced to do the former, lower service quality
21 and lack of access to advanced services will result,⁸ which will ultimately harm
22 the customer. Indeed, COLRs have already invested significantly in their

⁷ See Order No. 98-322, page 28.

⁸ *Id.*, page 35.

1 networks in both rural and urban areas of the state; however it is simply
2 uneconomic for carriers to continue this high level of network investment in high-
3 cost areas of the state without support from the fund. If support from the fund
4 were to decrease or be eliminated, rural customers would not have access to the
5 same services or quality of service as their urban counterparts at affordable rates,
6 which is the antithesis of the concept of universal service.

7 **Q. If it is uneconomic for a rural carrier to provide basic local exchange**
8 **telecommunications service in rural areas, why do so?**

9 A. ILECs are COLRs and are *required* to provide basic local exchange
10 telecommunications service throughout their service territory to any customer
11 who requests that service, no matter the cost. This COLR obligation is a legacy
12 of the old monopoly regulation, where ILECs were provided exclusive franchises
13 to serve specific areas in return for the obligation to provide service to all
14 customers within that service territory.⁹ Competitors to ILECs, such as CLECs
15 and cable companies, have no such obligation and can choose where and to whom
16 they will provide service. As one might expect, they typically choose to provide
17 service in the high-density, low cost areas of the state.

18 **Q. Does CenturyLink invest in its rural South Carolina markets today?**

19 A. Yes, CenturyLink has invested significant dollars in South Carolina to ensure that
20 facilities are available to provide basic local exchange telecommunications
21 services, as well as advanced services, in its markets. In addition to investment in
22 facilities, CenturyLink expends substantial funds to employ the personnel

⁹ *Id.*, pages 24-25.

1 necessary to maintain its network and provide high quality services to its
2 customers.

3 **Q. What effect do the COLR obligations have on the cost of providing service?**

4 A. COLRs are less able to avoid some costs as a result of these obligations. For
5 example, because of the obligation to provide service to any customer within the
6 COLR's serving territory, regardless of the cost, the COLR must continue to
7 maintain and service all of the access lines over the vast number of miles in its
8 service territory, *even if the access line is not being used*. The cost to maintain
9 and service those lines that are not in use must be recovered in some manner,
10 either from the remaining customer base or from the universal service fund. As
11 other competitors do not have COLR obligations, they can simply choose not to
12 maintain lines that are not in service, thus reducing the cost of providing service.

13 **Q. Does retail competition eliminate the need for a state USF? After all, with**
14 **more companies providing service, all South Carolinians should be able to**
15 **receive affordable basic local exchange telecommunications service.**

16 A. Absolutely not. Competition actually increases the need for a state USF to ensure
17 that the goal of universal availability is realized, as the Commission has
18 recognized in its orders creating the fund.¹⁰ As I noted earlier, competitors are not
19 required to serve all areas. Predictably, they tend to avoid high-cost areas, leaving
20 COLR-obligated ILECs such as CenturyLink to serve customers in these
21 unprofitable high-cost areas. This uneven form of competition produces
22 outcomes contrary to the goals of universal service. While urban and suburban
23 customers certainly benefit from increasing the number of competitive options,

¹⁰ See, e.g., Order No. 98-322 at pages 25-26; Order No. 2001-419 at page 32, ¶4.

1 these options erode prices, margin, and ILEC market share in the very areas
2 which historically produced the implicit support for high-cost areas prior to the
3 onset of competition. USF fills the gap to eliminate this disparity and provide
4 rural South Carolinians similar services at comparable prices to those enjoyed by
5 their urban and suburban peers. Also, as I noted earlier, when customers drop off
6 the network (by choosing service with a cable or wireless provider, for example),
7 the cost of servicing and maintaining the network must be recovered from the
8 remaining subscriber base. Therefore competition actually increases the unit cost
9 of providing service with no corresponding increase in the unit pricing.

10
11 The Commission accurately predicted this problem early on and CenturyLink has
12 certainly experienced the problem over the ensuing years. In its Order on
13 Universal Service Cost Models (Order No. 98-322, issued May 6, 1998, at page
14 26), it stated:

15 Congress recognized that the implicit cost subsidies that have
16 traditionally supported universal service could not be sustained in a
17 competitive marketplace. Competitors who have no obligation to
18 serve all residents in the market will naturally target those
19 customers who are charged above-cost rates or who provide a
20 greater than average amount of revenues, and will easily undercut
21 those rates. As a result, either the ILEC would be forced to lower
22 its above-cost rates to meet competition or it would simply lose the
23 high margin customers that currently support universal service. In

1 either event, the ILEC would lose the source of funding that
2 support universal service. Accordingly, given the loss of universal
3 service support from implicit subsidies, subsidized local rates
4 would have to rise substantially to reflect the actual costs of
5 providing service in the fully competitive environment created by
6 elimination of exclusive franchises. To introduce competition in
7 all markets while protecting universal service, Congress had to
8 reshape fundamentally the funding of universal service.

9
10 **C. DETERMINATION OF SUPPORT**

11 **Q. How is state USF support for each COLR determined?**

12 **A.**There are actually two different issues here, the maximum amount of support that
13 is available for each COLR and the amount of support each COLR actually
14 receives.

15
16 The maximum support that is available to each COLR is the difference between
17 the cost of providing basic local exchange telecommunications service, as
18 determined by the appropriate cost model, and the maximum amount that the
19 COLR may charge for that service for each access line, summed for all access
20 lines in the designated area.

21
22 The amount of support each COLR actually receives is dependent on the
23 reductions it has taken in rates for intrastate switched access services or other

1 intrastate services that include implicit subsidies. These reductions were taken in
2 phases. In the first step of the initial phase, all COLRs were required to reduce
3 intrastate switched access rates. In the second step of the first phase, COLRs
4 could elect to reduce additional rates that contained implicit subsidies. The rate
5 reductions were revenue neutral in that for each dollar of rate reduction, the
6 COLR received a dollar of USF support. In the second and third phases, COLRs
7 may continue to request additional revenue neutral state USF support in exchange
8 for reductions in rates that contain implicit subsidies.¹¹
9

10 **II. BUNDLED SERVICE AND CONTRACT OFFERINGS**

11 **Q. Have bundled and contract offerings been deregulated?**

12 **A.** While the Commission no longer has authority over the pricing and terms and
13 conditions for bundled and contract offerings, the Commission still has authority
14 over these offerings when it comes to quality of service, complaints, and COLR
15 expectations. And, of course, these bundled and contract offerings are subject to
16 contributions to the state USF.¹²

17 **Q. Why should access lines that are part of a bundled or contract offering** 18 **continue to receive state universal service fund support if the Commission** 19 **has no authority over pricing?**

20 **A.** To establish a policy of excluding access lines that are a part of bundled or
21 contract offerings from universal service fund eligibility would produce an
22 outcome contrary to the goals of universal service, which, as I mentioned before,

¹¹ See Order No. 2004-996, pages 5-6

¹² See South Carolina Ann. Section 58-9-285(B) and (C)

1 is to provide affordable basic local exchange telecommunications service to all
2 South Carolinians. Basic local exchange telecommunications service has been
3 defined as “single-party residential and single-line business customers access to
4 basic voice grade local service...”¹³ The access line component of these bundled
5 and contract offerings is, in fact, basic local exchange telecommunications
6 service, as defined by the Commission in its Guidelines for South Carolina
7 Universal Service Fund. Moreover, the cost of providing an access line is the
8 same whether that access line is provisioned as part of a bundled or contract
9 offering, or if it is provisioned as a stand alone service. Since the access line that
10 is included as part of a bundle or contract offering is providing basic local
11 exchange telecommunications service (and there is no cost differential for an
12 access line that is part of a bundled or contract offering) and since the purpose of
13 the state universal service fund is to help offset the high cost of providing basic
14 local exchange telecommunications service, universal service fund support should
15 be provided for access lines that are a part of a bundled or contract offering.

16 **Q. Are access lines that are a part of bundled or contract offerings eligible to**
17 **receive federal USF support?**

18 **A.** Yes. The FCC does not make any distinction between access lines that are
19 provisioned as part of a bundled or contract offering and access lines that are
20 provisioned on a stand alone basis. All of these access lines are eligible for
21 federal USF support. As I mentioned earlier in this testimony, South Carolina law
22 requires consistency between the state and federal programs and the Commission
23 established a policy to maintain that consistency. Therefore the state universal

¹³ See Order No. 2001-996, Exhibit A, page 1.

1 service fund should continue to maintain this consistency with the federal
2 eligibility requirements and provide support for access lines that are part of
3 bundled or contract offerings.

4 **Q. Given that there is pricing flexibility for bundled and contract offerings, why**
5 **not simply raise the price of the bundled or contract service to recover the**
6 **needed revenues?**

7 **A.** If the price of the bundled or the contract offering were increased to recover all of
8 the needed revenues, two outcomes are clear. First, as noted above, in areas of
9 competition, customers will drop ILEC service and select an alternative carrier
10 with less expensive service options. Second, in high-cost areas where there are no
11 competitive alternatives, the price would be too high for the majority of customers
12 to afford, which is why there are no competitive alternatives for these customers.
13 As I mentioned before, it is very expensive to provide basic local exchange
14 telecommunications service in these high cost areas and universal service support
15 is needed to offset a portion of these costs. Basic local exchange
16 telecommunications service simply cannot be provided at an affordable price
17 without assistance from the state universal service fund,¹⁴ regardless of whether
18 the access line is provisioned as a stand alone line or as part of a bundled or
19 contract offering.

¹⁴ See Order No. 98-322, pages 35-36, "Ultimately, because only the low margin customers will be left to cover the full cost of the network, prices for those predominantly high cost customers will have to increase, thus jeopardizing the availability of universal service in this State." See also Order No. 2001-419, page 32, "As competition lowers the prices for telecommunications services that have been priced above cost, the subsidies provided by the services to support affordable local rates in high-cost areas decline."

1 **Q. How has the General Assembly addressed bundled services in the context of**
2 **the Universal Service Fund?**

3 **A. Section 58-9-285, which deregulated bundled and contract offerings, was enacted**
4 **subsequent to the establishment of the Universal Service Fund. The statute**
5 **explicitly states that “[n]othing in this section affects the commission’s**
6 **jurisdiction over distributions from the USF pursuant to Section 58-9-290(E).”**
7 **Notably, the General Assembly did not prohibit companies from receiving**
8 **universal service fund support for access lines included in bundled or contract**
9 **offerings, although it certainly could have.**

10 **Q. Has the General Assembly taken any subsequent actions related to eligibility**
11 **for universal service fund support?**

12 **A. In the Customer Choice and Technology Investment Act of 2009 (HB 3299), the**
13 **General Assembly allows LECs to elect deregulation of all services, including**
14 **basic residential service. If a company elects deregulation, that company is no**
15 **longer subject to the Commission’s jurisdiction over the rates, terms or**
16 **availability of its deregulated services. In exchange, USF funding is phased out**
17 **for electing companies. For LECs who do not opt for deregulation, the legislation**
18 **provides that:**

19 ...nothing contained in this section or any subsection shall affect
20 the current administration of the state USF nor does any provision
21 thereof constitute a determination or suggestion that only stand-
22 alone basic residential lines should be entitled to support from the
23 state USF.

1 **Q. What will happen if the Commission chooses to remove universal service**
2 **support for access lines included as part of a bundled or contract offering?**

3 **A. If the Commission were to choose this policy, which CenturyLink does not**
4 **support, ILECs will be forced to increase rates, within Commission constraints, to**
5 **recover the lost support. However, this is not an ideal solution. As noted above,**
6 **competition will limit any potential rate increases in urban areas while customers**
7 **in rural areas, where there is no competition, may simply decide to forgo service**
8 **or select only the most basic service due to the high rates. Alternatively, ILECs**
9 **should be relieved of their COLR obligations (the General Assembly has already**
10 **recognized this principle in the recent legislation allowing deregulation of all**
11 **services in exchange for foregoing universal service support). If USF support is**
12 **withdrawn for bundled or contract offerings while the COLR obligation is**
13 **maintained, the Commission would be burdening ILECs with the unfunded**
14 **mandate of providing universal service support without sufficient funding. The**
15 **COLR obligation is a quid pro quo. Without providing adequate USF funding to**
16 **COLR-bound ILECs, the Commission would be placing them at a competitive**
17 **disadvantage and harming their very ability to continue to provide service to**
18 **consumers in high-cost areas.**

19
20 **Should the Commission choose to eliminate support for bundled or contract**
21 **offerings without providing relief from COLR obligations, COLRs may be forced**
22 **to stop offering bundled or contract services. As a result, customers would be**
23 **forced to purchase all of the services and features they want *a la carte* from the**

1 tariff, likely at a higher overall price and causing customer confusion. Customers
2 with competitive choices will abandon the COLR for alternative suppliers while
3 those without competitive options will be forced to pay higher prices or drop the
4 service. In addition, customers in high-cost rural areas of the state will likely see
5 fewer service options and lower quality of service. Such outcomes are clearly
6 detrimental to both the customer and the COLR, which is the only provider
7 required to serve high-cost customers.

8 **Q. In summary, why should access lines provided as part of bundled services**
9 **and contract offerings continue to receive USF support?**

10 A. The Commission has created the state universal service fund to help carriers of
11 last resort offset the high cost of providing basic local exchange
12 telecommunications service in the high-cost areas of the state. Access lines that
13 are included as part of bundled or contract offerings provide basic local exchange
14 telecommunications service. The cost to the carrier of providing that service does
15 not change simply because the access line is part of a bundled or contract
16 offering. In addition, the General Assembly has clearly indicated that state
17 universal service fund support is tied to the COLR obligation. Therefore, state
18 universal service fund support should continue to accrue to access lines that are
19 part of a bundled or contract offering.

20 **Q. Does this conclude your testimony?**

21 A. Yes.

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: State Universal Service Support of Basic Local Service
Included in a Bundler Service Offering or Contract Offering

DOCKET NO.: 2009-326-C

PARTIES SERVED:


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Patrick W. Turner BellSouth Telecommunications, Inc. 1600 William Street, Ste. 5200 Columbia, SC 29201	
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PLEADING:

Direct Testimony of Ann C. Prockish

October 9, 2009


Jackie C. Livingston, Paralegal